

1 Richard J. Reynolds, Esq.  
Nevada Bar No. 11864  
2 E-mail: rreynolds@bwslaw.com  
BURKE, WILLIAMS & SORENSEN, LLP  
3 1851 East First Street, Suite 1550  
Santa Ana, CA 92705-4067  
4 Tel: 949.863.3363 Fax: 949.863.3350

5 Michael E. Sullivan, Esq.  
Nevada Bar No. 5142  
6 E-mail: msullivan@rbsllaw.com  
ROBISON, BELAUSTEGUI, SHARP & LOW  
7 71 Washington Street  
Reno, NV 89503  
8 Tel: 775.329.3151  
Fax: 775.329.7941

9 Attorneys for Defendant, MTC FINANCIAL INC.  
10 dba TRUSTEE CORPS

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA  
13

14 7912 LIMBWOOD COURT TRUST, a  
15 Nevada Trust,

16 Plaintiff,

17 v.

18 WELLS FARGO BANK, N.A., a National  
Association; MTC FINANCIAL, INC. dba  
19 TRUSTEE CORPS, a foreign corporation;  
REPUBLIC SERVICES, INC., a Foreign  
20 Corporation; SANDRA J. NEWTON,  
individually; SONYA D. NEWTON,  
21 individually; DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,

22 Defendants.  
23

Case No.

(Clark County Case No. A-13-677809-C)

**PETITION FOR REMOVAL BY DEFENDANT  
MTC FINANCIAL INC. dba TRUSTEE  
CORPS**

1 Defendant MTC FINANCIAL INC. dba TRUSTEE CORPS ("TRUSTEE CORPS")  
 2 submits this Petition for Removal of the above-captioned lawsuit entitled, 7912 LIMBWOOD  
 3 COURT TRUST vs. WELLS FARGO BANK, N.A., et al.; Case No. A-13-677809-C, assigned to  
 4 Dept. XXXI, in the District Court located in Clark County, Nevada ("State Court") to this Court  
 5 pursuant to 28 U.S.C. §§1332, 1441, and 1446.

6 **COMPLIANCE WITH PROCEDURAL REQUIREMENTS**

7 1. TRUSTEE CORPS was served with a copy of Plaintiff LIMBWOOD COURT  
 8 TRUST's State Court Summons and Complaint ("Complaint") on or about March 7, 2013. Thus,  
 9 this removal is timely because the 30-day period for filing the removal has not passed. 28 U.S.C.  
 10 §1446(b). Additionally, removal is timely because it is filed within one year from when Plaintiff  
 11 filed the original complaint in the State Court action on or about January 23, 2013.

12 2. Pursuant to 28 U.S.C. §1446(a), TRUSTEE CORPS has attached a true and correct  
 13 copy of the Civil Cover Sheet Summons and Complaint as **Exhibit "A."** Attached as **Exhibit**  
 14 **"B"** is a true and correct copy of Plaintiff's Initial Appearance Fee Disclosure filed  
 15 March 5, 2013. Attached as **Exhibit "C"** is a true and correct copy of a Notice of Lis Pendens  
 16 filed March 5, 2013. Attached as **Exhibit "D"** is a true and correct copy of an Affidavit of  
 17 Kenneth Berberich filed March 6, 2013. Attached as **Exhibit "E"** is a true and correct copy of  
 18 Ex Parte Application filed March 6, 2013. Attached as **Exhibit "F"** is a true and correct copy of  
 19 Court Minutes re: Motion for Temporary Restraining Order filed March 12, 2013. Attached as  
 20 **Exhibit "G"** is a true and correct copy of an Affidavit of Service filed March 12, 2013. Attached  
 21 as **Exhibit "H"** is Defendant Wells Fargo Bank, N.A.'s Response to the Plaintiff's Ex Parte  
 22 Application or Temporary Restraining Order and Motion for Preliminary Injunction. Attached as  
 23 **Exhibit "I"** is a true and correct copy of State Court's docket consisting of three sheets, including  
 24 but not limited to, Court Minutes. TRUSTEE CORPS obtained copies of the aforementioned  
 25 Exhibits "D" through "H" from the Clark County District Court website.

26 3. TRUSTEE CORPS has provided and served a copy of the Petition for Removal on  
 27 Plaintiff, Wells Fargo and will timely file a copy of the Petition for Removal with the Clerk of the  
 28 Clark County District Court as required by 28 U.S.C. §1446(d).

1 4. TRUSTEE CORPS is informed and believes and hereon alleges that no other  
2 parties have appeared apart from itself, Wells Fargo, and Plaintiff.

3 5. Removal from State Court to this Court is proper as this district embraces the place  
4 where the action is pending 28 U.S.C. §1441(a).

5 **BACKGROUND**

6 6. Plaintiff has asserted in its Complaint claims for quiet title and declaratory relief  
7 against Defendants, including but not limited to TRUSTEE CORPS.

8 **COMPLETE DIVERSITY OF CITIZENSHIP AS TO THE PARTIES**

9 7. TRUSTEE CORPS is informed and believes that Plaintiff is a citizen of Nevada in  
10 that Plaintiff is a Nevada Limited Liability company doing business in Clark County, Nevada.

11 8. TRUSTEE CORPS is a California Corporation, whose corporate status is active in  
12 the state of Nevada, and whose principal place of business is in Irvine, California.

13 9. TRUSTEE CORPS is informed and believes that Defendant Wells Fargo is citizen  
14 of South Dakota where its main office is located in Sioux Falls, South Dakota. See, Business  
15 Entity Detail for the CA Secretary of State, a copy of which is attached as Exhibit K. A national  
16 bank is a citizen of where it is located. 28 U.S.C. §1348. A national bank's location is its main  
17 office. Wachovia Bank v. Schmidt, 546 U.S.303, 306, 307 (2006).

18 10. TRUSTEE CORPS is informed and believes that Defendant Republic Services,  
19 Inc. is a Delaware Corporation, whose corporate status is active in the state of Nevada, and whose  
20 principal place of business is in Phoenix, Arizona.

21 11. TRUSTEE CORPS is informed and believes that Defendants, Sandra J. Newton  
22 and Sonya D. Newton ( collectively, "Newton") are sham defendants or fraudulently joined  
23 defendants. Morris v. Princess Cruises, Inc., 236 F3d 1061, 1067 (9<sup>th</sup> Cir. 2001). The complaint  
24 asserts Plaintiff purportedly acquired the subject real property previously owned by Newton on  
25 March 6, 2012. According to Ex A to the Declaration of Kenneth Berberich attached as Exhibit  
26 D herein, Newton's subject real property had been purportedly **abandoned** by Newton at the time  
27 of the purported sale of the subject real property to Plaintiff. At the time of the filing of the  
28 complaint, TRUSTEE CORPS is informed and believes that Newton plainly and obviously is

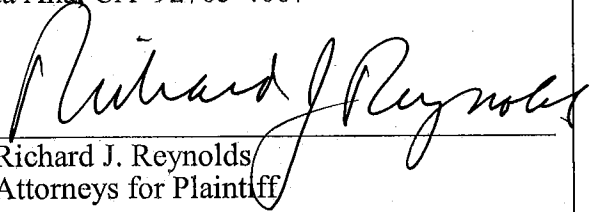
1 making no claim or interest in the subject real property. Plaintiff cannot plausibly and factually  
 2 plead "quiet title" to a non-existent claim by Newton. From a review of the complaint, it is plain  
 3 and obvious that Plaintiff is seeking to quiet title to the claim of Wells Fargo in terms of the  
 4 latter's security interest in the subject property.

#### 5 AMOUNT IN CONTROVERSY

6 12. The amount in controversy in this action purportedly exceeds \$75,000. In the  
 7 instant action, Plaintiff seeks in equity to extinguish any claim or interest by any defendant with  
 8 respect to that real property commonly known as 7912 Limbwood Court, Las Vegas, Nevada  
 9 c(the "Property") (Complaint, ¶1), which was previously owned by Newton. Newton had a loan  
 10 note on the Property in the sum of \$133,500. See, Ex. 2 [Note] to Ex Parte Application attached  
 11 hereto as Exhibit E. The amount in controversy is measured for jurisdictional purposes by the  
 12 amount of damages or *the value of the property that is the subject of the action*. Hunt v.  
 13 Washington State Apple Advertising Conn'n, (1977) 432 US 333, 347-348, 97 S.Ct. 2434, 2443-  
 14 2444; Meisel v. Allstate Indem. Co., (E.D. CA 2005) 357 F.Supp.2d 1222, 1225. In actions  
 15 seeking declaratory relief, like this one, it is well established that the amount in controversy is  
 16 measured by the value of the object of the litigation. Cohn v Petsmart, 281 F.3d 837, 840 (9<sup>th</sup> Cir.  
 17 2002). Thus, the alleged value of the Property in this litigation purportedly exceeds \$75,000,  
 18 exclusive of costs and interest.

1 Dated: March 22, 2013

Burke, Williams & Sorensen, LLP  
1851 East First Street, Suite 1550  
Santa Ana, CA 92705-4067

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4 By:   
5 Richard J. Reynolds  
6 Attorneys for Plaintiff

7 Michael Sullivan  
8 Robison, Belastegui, Sharp & Low  
9 71 Washington Street,  
10 Reno, NV 89503

11 Attorneys for Defendant, MTC  
12 FINANCIAL INC., dba TRUSTEE  
13 CORPS  
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